

West Virginia

Emergency Operation Plan

**6.Recovery (Without a Presidential
Declaration)**

West Virginia Emergency Operation Plan

6. Recovery -Annex AAA

Assistance without a Presidential Declaration

ANNEX AAA

ASSISTANCE WITHOUT A PRESIDENTIAL DECLARATION

A. PURPOSE

Agencies of the Federal government can make available a wide variety of assistance to supplement the efforts and resources of State and political subdivisions when natural or man-made conditions threaten community health, safety or property. This annex discusses Federal programs that can provide assistance when conditions are not severe enough to warrant a Presidential declaration. Also described are programs, which help the State and its political subdivisions, address the controlling or modifying of floods and other hazards. The programs described have been divided into three categories: Mitigation; Disaster Response Recovery and Community Preparedness; and Emergency Services.

B. MITIGATION

The objective of mitigation programs is to reduce the vulnerability of people and property to the destructive forces of natural events and human actions. Temporary measures can be instituted in emergency situations. Permanent measures employ both structural and non-structural means to mitigate hazards or their effects.

1. Flood Control Projects: U.S. Army Corps of Engineers

a. Authority:

Flood Control Act of 1948, Section 205, PL 80-858, as amended

b. Type of Assistance:

Design and construction of local flood control projects not specifically authorized by Congress.

c. Eligible Applicants:

The State, political subdivisions and other local agencies established under State law with full authority and ability to undertake required legal and financial responsibilities.

d. Requirements:

Applicants are responsible for acquiring the necessary lands, easements and right-of-ways; providing project costs in excess of Federal costs limitations; preventing future encroachments that could interfere with the project's proper functioning; and maintaining completed projects.

e. Application Procedure:

Applicants submit a formal letter of intent to provide all required local participation to one of the following Corps District Engineers;

Baltimore District
P.O. Box 1715
Baltimore, MD 21203

Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222

Huntington District
502 8th St.
Huntington, WV 25701

2. Bank Protection: U.S. Army Corps of Engineers

a. Authority:

Flood Control Act of 1946, Section, 14 PL 79-526, as amended

b. Type of Assistance:

Design and construction of bank protection projects to safeguard highways, highway bridges, essential public works, churches, hospitals, schools and other non-profit public facilities endangered by flood-caused erosion.

c. Eligible Applicants:

The State, political subdivisions, or other local agencies established under State law with full authority and ability to undertake required legal and financial responsibilities.

d. Requirements:

Projects must be complete within themselves and show favorable cost-benefit ratios. The Federal contribution to projects is limited to \$1,000,000. Applicants are responsible for lands, easements, rights-of-way, utility relocations and project maintenance.

e. Application Procedure:

Applicants submit a formal letter stating clear intent to provide all required local participation to one of the following District Engineers;

Baltimore District
P.O. Box 1715
Baltimore, MD 21203

Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222

Huntington District
502 8th St.
Huntington, WV 25701

3. Snagging and Clearing for Flood Control: U.S. Army Corps of Engineers

a. Authority:

Flood Control Act of 1937, Section 2 , PL 79-14, as amended

b. Type of Assistance:

Design and construction of snagging and clearing projects for navigable waters and their tributaries to reduce potential flood damage.

c. Eligible Applicants:

The State, political subdivisions, or other local agencies established under State law with full authority and ability to undertake required legal and financial responsibilities.

d. Requirements:

Federal participation is limited to \$500,000. Applicants must secure all lands, easements and right-of-ways; maintain completed projects; and prevent interference with the project's functioning.

e. Application Procedure:

Applicants submit a formal letter indicating clear intent to provide all required local participation to one of the following District Engineers;

Baltimore District
P.O. Box 1715
Baltimore, MD 21203

Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222

Huntington District
502 8th St.
Huntington, WV 25701

4. Watershed Protection Loans: U.S. Department of Agriculture

a. Authority:

Watershed Protection and Flood Prevention Act of 1954, Section 8 ,PL 83-566, as amended

b. Type of Assistance:

Loans to help local sponsors provide the local share of the cost of watershed works or improvement for flood prevention, irrigation, drainage, water quality management, sedimentation control, fish and wildlife development, public water based recreation, and water storage.

c. Eligible Applicants:

Sponsoring local organizations not organized for profit (for example, soil and water conservation districts) with authority under State law to obtain, give security for, and raise revenues to repay loans.

d. Requirements:

Applicant must operate and maintain facilities financed with the loan.

e. Application Procedures:

Prospective applicants can obtain assistance in preparing and submitting project proposals for review by State agencies and local governments from the appropriate West Virginia Regional Planning and Development Council.

5. Emergency Watershed Protection: U.S. Department of Agriculture

a. Authority:

Watershed Protection and Flood Prevention Act, PL 83-566, PL 84-1018, PL 85-624, PL 85-865, PL 86-468, PL 86-545, PL 87-170, PL 87-703, PL 89-337, PL 90-361, PL 81-516, Section 216.

b. Type of Assistance:

Technical services to determine eligibility and to plan needed measures.
Financial assistance to construct approved measures.

c. Eligible Applicants:

Any State agency, county (or group of counties), municipality, town, soil or water conservation district, flood prevention or control district or any other non-profit agency with authority under State law to carry out, maintain and operate watershed improvement works.

d. Application Procedures:

Contact the local Natural Resources Soil Conservation Service (NRCS) Office.

6. Resource Conservation and Development: U.S. Department Of Agriculture

a. Authority:

Food and Agricultural Act of 1962, PL 87-703, PL 91-343, PL 74-46, PL 92-419.

b. Type of Assistance:

Grants and technical assistance to aid public agencies in implementing long-range resource conservation and development programs, including flood control projects.

c. Eligible Applicants:

Public agencies and non-profit organizations having legal authority to plan, install, operate and maintain community projects benefiting the public.

d. Application Procedures:

Contact the local Soil Conservation Service Office.

7. Flood Prevention for Forest Lands: U.S. Department of Agriculture

a. Authority:

Flood Control Act of 1950, PL 81-516, Section 216

b. Type of Assistance:

Technical assistance in planning and applying measures to protect public health and safety, reduce flood hazard and control sediment damages from forest and related lands when existing local, State and Federal programs do not provide adequate facilities and funds for immediate protective action. Also provides assistance in preparing request for Section 216 funds for emergency treatment of watersheds impaired by fire, flood, earthquake or other natural disasters.

c. Eligible Applicants:

State and local governments.

d. Application Procedures:

Submit letter of request to:

Regional Forester
U.S. Forest Service, Region III
6816 Market St.
Upper Darby, PA 19802

8. Flood Plain Management: U.S. Army Corps of Engineers

a. Authority:

Flood Control Act of 1960, Section 206, PL 86-645, as amended

b. Type of Assistance:

Technical assistance in the identification of flood-prone areas, potential losses and the flood hazard of proposed building sites; guidance in land-use management to prevent flood damage. The District Office sets annual funding limitations.

c. Eligible Applicants:

State, political subdivisions and other public organizations; interested individuals may write for available information.

d. Application Procedures:

Submit letter documenting need for assistance to one of the following District Engineers:

Baltimore District
P.O. Box 1715
Baltimore, MD 21203

Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222

Huntington District
502 8th St.
Huntington, WV 25701

9. National Flood Insurance Program: Federal Emergency Management Agency

a. Authority:

Housing and Urban Development Act of 1968, Title XIII, PL 90-488, 82 stat. 476, 572 as amended; 42 U.S.C. 4011, 4127; 83 Stat. 39, and Flood Insurance Protection Act of 1973, PL 93-234.

b. Type of Assistance:

Insurance at a reasonable rate often subsidized by the Federal Government, for buildings and their contents.

c. Eligible Applicants:

Property owners in communities which are participating in the National Flood Insurance Program.

d. Requirements:

NFIP coverage is available to any owner of property (a building or its contents), including condominium associations, and builders of a building in the course of construction located in a participating community which has been approved for the sale of flood insurance. Condominium unit owners may purchase contents coverage on the contents of their unit. Owners of residential condominium units may purchase building coverage (as though the unit is a single-family dwelling) if the condominium owners association does not purchase adequate flood insurance. Under the program, tenant(s) communities may also insure their personal property against flood loss.

e. Application Procedures:

Contact local insurance agent for information and application.

10. Flood Mitigation Assistance (FMA): FEMA

a. Authority:

Section 1366 of the National Flood Insurance Act of 1968, as amended;
National Flood Insurance Reform Act of 1994; 44 CFR, Part 78.

b. Type of Assistance:

FMA may be used both to enhance State mitigation programs and to directly assist communities to reduce flood losses.

c. Eligible Applicants:

State or communities that need support for flood mitigation planning, implementation of flood mitigation projects, and technical assistance by States to communities.

d. Requirements:

States need to have a process for prioritization, since funding for community plans and projects is limited. Applications selected for submission should have the highest potential for reducing losses and substantial damage occurrences.

e. Application Procedure:

Contact State Office of Emergency Services

11. Community Assistance Program – State Support Services Element (CAP-SSSE): FEMA

a. Authority:

National Flood Insurance Act of 1968, as amended;
Flood Disaster Protection Act of 1973

b. Type of Assistance:

Identify, prevent, resolve flood plain management issues, and to reduce flood hazards.

c. Eligible Applicants:

Communities participating in the NFIP.

d. Requirements:

CAP-SSSE funds may only be used to conduct flood mitigation and related technical assistance activities that support the goals of the NFA and the partnership goals contained in the Performance Partnership Agreement (PPA).

e. Application Procedure:

Contact State Office of Emergency Services

12. Mitigation Assistance Program (MAP): FEMA

a. Authority:

The Earthquake Hazards Reduction Act of 1977, as amended by Public Law 101-614; The Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended; 44 CFR Part 361.

b. Type of Assistance:

Provides financial and technical assistance to States to create and maintain comprehensive State hazard mitigation programs, which will enable the State to coordinate all hazard mitigation activities and to provide technical and financial assistance to communities and local governments.

c. Eligible Applicants:

States that will use the funds for mitigation projects and activities identified in the annual Cooperative Agreement (CA).

d. Requirements:

The State will designate a qualified full-time State Hazard Mitigation Officer (SHMO), who will assume the responsibilities of the State's mitigation activities.

e. Application Procedure:

Contact State Office of Emergency Services.

13. Fire Accident Analysis: US Department of Commerce

a. Authority:

National Bureau of Standards Organic Act, as amended by PL 90-259.

b. Type of Assistance:

Detailed on-site studies of uncontrolled fires or the remains of fires by teams of experienced fire investigators, scientists and engineers to determine the causes, character of, and ways of avoiding serious fire accidents.

c. Eligible Applicants:

Elected or appointed State and local officials concerned with fire disasters and authorized to request such assistance.

d. Application Procedure:

Contact the National Bureau of Standards.

C. DISASTER RESPONSE RECOVERY AND COMMUNITY PREPAREDNESS

This section describes programs designed to improve State and local disaster response capabilities through planning, training, personnel, information and equipment assistance.

1. Comprehensive Planning Assistance: U.S. Dept. of Housing and Urban Development

a. Authority:

Housing Act of 1954, Section 701, PL 83-560, as amended

b. Type of Assistance:

Grants to strengthen planning and decision-making capabilities of chief executives of state, regional and local agencies to promote more effective use of natural, economic and physical resources. Disaster mitigation and recovery planning are eligible activities.

c. Eligible Applicants:

State agencies designated by the Governor; counties; cities; regional and local planning agencies, including councils of governments, local development districts, economic development districts; and localities which suffered a major disaster.

d. Requirements:

Applicants must submit grant proposals directly to US Department of Housing and Urban Development.

2. Forecasts and Warnings: National Weather Service, NOAA
 - a. Authority:

15 USC 313, Reorganization Plan No. 4, 1970; Disaster Relief Act of 1974 , PL 93-288
 - b. Type of Assistance:

Public forecasts and warnings of hazardous weather phenomena and floods, and training programs on disaster safety rules.
 - c. Eligible Applicants:

Anyone
 - d. Requirements:

Special service outlets involve a user fee, and some are restricted to government offices.
 - e. Application Procedure:

Applicants submit a verbal or written request for information to the nearest National Weather Service Office.
3. Donation of Federal Surplus Personal Property: General Services Administration
 - a. Purpose of Assistance:

To transfer surplus personal property to the States for distribution to non-Federal public agencies and other specifically designated recipients.
 - b. Type of Assistance:

Personal property that may be available under this program includes office machines and supplies, furniture, hardware, motor vehicles, boats, airplanes, construction equipment, and many other items.
 - c. Eligible Applicants:

Public agencies, Indian tribes, public airports, non-profit educational and/or health activities, educational activities of special interest to the armed services.

d. Application Procedures:

Contact State surplus property agencies, armed services education activities, national organizations, or Federal Aviation Administration Regional Offices.

4. National Dam Safety Program (NDSP): FEMA

a. Authority:

The Water Resources Development Act of 1996, PL 104-303, Section 215, The National Dam Safety Act.

b. Type of Assistance:

Grants to reduce the risks to life and property from dam failure, through the establishment and maintenance of an effective dam safety program.

c. Eligible Applicants:

States that have either new or existing dams.

d. Requirements:

Grant assistance funds may only be awarded to the West Virginia Division of Environmental Protection, Dam Safety Office and will not be pooled with other grant funds without the recommendation of the National Dam Safety Review Board and by approval by the FEMA III Regional Director.

5. Disaster Preparedness Improvement Grant (DPIG): FEMA

a. Authority:

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended, Section 201.

b. Type of Assistance:

Grants to encourage the maintenance and improvement of disaster preparedness plans and activities.

c. Eligible Applicants:

State and local governments

d. Requirements:

The funds granted under the DPIG program must be used for improving, maintaining, and updating State and local government disaster assistance plans including evaluation of natural hazards and development of the programs and actions required to mitigate such hazards.

e. Application Procedure:

Contact the State Office of Emergency Services.

6. State and Local Assistance (SLA): FEMA

a. Authority:

Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended.
Executive Order 12148 of July 20, 1979, as amended.

b. Type of Assistance:

Funding helps to maintain State and local governments' plans, facilities, equipment, training, and exercising.

c. Eligible Applicants:

State and local emergency services/management organizations.

d. Requirements:

State must submit an approvable Administrative Plan or the Performance Partnership Agreement (PPA) and the standard assurances.

e. Application Procedure:

Contact the State Office of Emergency Services.

7. Superfund Amendment and Reauthorization Act (SARA), Title III: FEMA

a. Authority:

Superfund Amendments and Reauthorization Act, Title III, Section 305(a).

b. Type of Assistance:

Support programs which are designed to improve emergency planning, preparedness, mitigation, response, and recovery capabilities with special emphasis on emergencies associated with hazardous chemicals.

c. Eligible Applicants:

State and local governments; and university-sponsored programs.

d. Requirements:

Grants may not exceed 80% of the cost of the program; remaining costs must come from non-Federal sources. Priority should be given to hazardous materials response, planning and prevention training.

e. Application Procedure:

Contact State Office of Emergency Services.

8. Hazardous Materials Emergency Preparedness (HMEP) Grant Program: USDOT

a. Authority:

Federal Hazardous Materials Transportation Law, 49 U.S.C. Section 5101 et. Seq.

b. Type of Assistance:

Planning and Training grants to help local governments carry out Emergency Planning and Community Right-to-Know activities (SARA Title III) throughout the state.

c. Eligible Applicants:

HMEP Planning Grants: Eligible LEPCs.

HMEP Training Grants: Used by the WVSERC to provide Hazardous Materials (HAZMAT) First Responder Training to public sector firefighters, emergency medical and law enforcement personnel. Other public sector personnel with HAZMAT response requirements are also eligible for the training.

d. Requirements:

LEPCs must meet eligibility requirements then apply to the WVSERC for planning grant. Training grant funds are made available to qualified HAZMAT trainers by the WVSERC.

9. State Emergency Response Commission (SERC) Program: WVSERC

a. Authority

WV Code, Chapter 15-5A-5(k)
Legislative Rules, Title 55 of the WV Emergency Planning and Community Right- to-Know Act.

b. Type of Assistance:

Grants to help local governments administer the Emergency Planning and Community Right-to-Know Act.

c. Eligible Applicants:

Local Emergency Planning Committees (LEPC) throughout the state of West Virginia deemed eligible by the WVSERC. Eligibility requirements are established by the WVSERC and are outlined in the WVSERC Grant Application.

d. Requirements:

Eligible LEPCs apply to the WVSERC to receive these grants.

D. EMERGENCY SERVICES

The programs described in this section provide specialized assistance to State and local authorities once an emergency/disaster has occurred. They are designed to supplement state and local efforts to protect the public from the effects of an emergency and to identify those killed in a disaster.

1. Contaminated Food and Drugs: U.S. Department of Health and Human Services/
U.S. Public Health Service Food and Drug Administration

a. Authority:

Food, Drug and Cosmetic Act of 1930, Public Health Services Act, as amended.

b. Type of Assistance:

Through the Coordinated Preparations Plan for Emergencies (COPE), in which West Virginia is involved, advice, technical information, assistance, and expert personnel can be provided to establish public health controls and to protect the general public from contaminated and unsafe food and drugs.

c. Eligibility:

State and local health authorities.

d. Point-of-Contact

Inquiries can be directed to the Emergency and Investigational Operations Office located at the headquarters of the Food and Drug Administration in Rockville, MD (301)827-5653/5655. The Regional Point-of-Contact can be reached at the Baltimore District Office of the Food and Drug Administration at (410)962-3590.

2. Radiological Emergency Assistance: U.S. Department of Energy

a. Authority:

Atomic Energy Act of 1954, PL 83-703, as amended, and Energy Reorganization Act of 1974, PL 93-438

b. Type of Assistance:

Provision of specialized services, advisory services, counseling and dissemination of technical information to assist in responding to incidents involving loss of control over radioactive materials and supporting efforts to protect public health and property.

c. Eligible Applicants:

Any person or organization having knowledge of an incident believed to involve ionizing radiation or radioactive material hazardous to health and safety.

d. Application Procedure:

Application is made to the Department of Energy through the Office of Emergency Services or Department of Health, Bureau of Industrial Hygiene.

3. Vector Control: U.S. Department of Health and Human Services, Public Health Service
 - a. Authority:

Public Health Service Act, 42 USC 243
 - b. Type of Assistance:

Advice and technical assistance to prevent the spread of communicable diseases by disease-carrying animals or insects in the aftermath of a disaster.
 - c. Eligible Applicants:

State and local health/public health authorities (the latter coordinated through the State Department of Health).
 - d. Point-of-Contact:

Contact should be made through the State Department of Health and Human Resources to the Centers for Disease Control and Prevention's Emergency Response Coordination Group (770)488-7100 –24 hours. The Emergency Coordinator at the Public Health Service Region III regional office in Philadelphia should also be informed if a significant public health emergency is existent or anticipated (215)861-4635.
5. Victim Identification: Federal Bureau of Investigation
 - a. Authority:

Act of September 6, 1966, PL 89-554, PL 92-544, Title II.
 - b. Type of Assistance:

Fingerprint identification of disaster victims.
 - c. Eligible Applicants:

Any authorized law enforcement agency, State or other governmental agency or officials.
 - d. Application Procedure:

Application will be made through the West Virginia State Police to the Federal Bureau of Investigation.

West Virginia

Emergency Operation Plan

6. Recovery -Annex BBB

Emergency Assistance for Agriculture
USDA

ANNEX BBB

EMERGENCY ASSISTANCE FOR AGRICULTURE

A. PURPOSE

Natural and man-made disasters often cause significant property damage or severe production losses to farming, ranching and other agricultural operations. The United States Department of Agriculture (USDA) has programs that enable farmers and rural communities to continue their operations and assure continuity of essential functions. This annex describes the types of USDA emergency assistance available and outlines the procedures, policies and responsibilities for implementing these programs. NOTE: All assistance programs are available to all eligible applicants on a continuing basis.

B. GENERAL ASSISTANCE

1. Each County is assigned a Cooperative Extension Service (CES) agent who supports all USDA natural disaster missions. Farmers, ranchers and others may obtain information and educational material about how to protect themselves and their property against disaster hazards. CES also provides advice regarding clean up of damaged property, sanitation precautions, insect control, emergency food preparation and recovery and renovation of damaged equipment and property.
2. The Rural Development Service (RDS) assists farmers, ranchers and agriculture operators cover losses resulting from a natural disaster and return the operation to a financially sound position. Where one or more farmers are substantially affected, the USDA RDS State Director may authorize the USDA RD County Supervisor to make emergency loans.
3. When the President declares a major disaster or emergency, the Farm Service Agency (FSA) automatically makes loans available in the declared counties and adjoining counties. These loans are made for the same purposes and at the same interest rates and terms as prescribed for loans authorized by the Farm Service Agency State Director. All loans must be secured and will be made only when private credit is not available to affected individuals.
4. Applicants should contact the Farm Service Agency county office in which the farming operation is located. Farm Service Agency personnel assist applicants in completing the necessary forms.
5. The Natural Resources Conservation Service (NRCS) can authorize temporary grazing or haying on set-aside Conservation Reserve Program Acreage. Implementation of this program requires approval of the State FSA State Committee and Deputy Administrator of Farm Programs (DAFP). Eligible farmers make application to the County FSA Committee.

6. The Agricultural Marketing Service (AMS) can assist in obtaining railroad freight rate reduction to facilitate the movement of feed supplies to areas affected by natural disasters and livestock from affected areas to areas where adequate pasture or forage exists. Interested individuals or groups should contact the AMS in Washington, D.C. for assistance in obtaining rate reductions.
7. Private insurance companies provide all risk insurance for individual farmers to ensure basic income against natural causes of extensive crop losses. All-Risk Crop Insurance can be purchased from private insurance agents nationwide.
8. The Natural Resources Conservation Service provides public agencies with project grants and technical assistance to initiate and carry out long-range programs of resource conservation and development, including projects for flood prevention and rehabilitation of disaster-damaged agricultural land. State and other public agencies having legal authority to plan, install, operate and maintain community projects having public benefits make application at the local NRCS office.
9. Animal and Plant Health Inspection Service (APHIS) can provide veterinarians, livestock inspectors, plant pathologists and entomologists to assist in emergency measures to prevent, control and eradicate certain domestic livestock, poultry and plant diseases; to assure the wholesomeness of slaughtering processing plant products; and to control insect pests. Individuals and local governments are eligible for these services; requests can be made at any USDA office.
10. Policies, procedures and methods of debris removal/clearance are determined by FEMA under provision of PL 93-288, as amended, which authorizes the use of federal departments, including USDA, to remove debris and wreckage resulting from a major disaster.
11. Under PL 93-288, as amended, responsibility for distribution of food during a natural disaster lies with the American Red Cross. When needed, food commodities from the West Virginia Department of Health and Human Resources will be used and warehouses resupplied by USDA. The Secretary of Agriculture may authorize emergency food stamp distribution, when requested by the State Department of Health and Human Resources in order to meet food assistance needs which cannot be met by regular Food Stamp Program procedures.
12. Fire fighting assistance, including grants, can be provided by the President to any state for the putting out of any fire on publicly or privately owned forest or grassland, which threatens such destruction as would constitute a major disaster. The Forest Service of the U.S. Department of Interior, Bureau of Land Management, provides technical assistance to FEMA.

C. TASK ASSIGNMENTS

1. The Secretary of the USDA can declare a disaster, if the governor requests it; due to crop loss, drought, winter freezes, etc.
2. USDA agencies are responsible for conducting disaster assistance programs outlined in this annex.
3. SEB and CEBs shall insure that USDA personnel who have emergency responsibilities are adequately oriented and trained to function effectively and efficiently in an emergency.
4. The CEB Chairman shall call a meeting of the Board in the event of a natural disaster and invite the county governing body or its appropriate representative, the county emergency services director and other appropriate officials.
5. The SEB Chairman shall call a meeting of the Board in the event of a natural disaster and invite the FEMA representative, the Governor's Authorized Representative (GAR), the state Department of Agriculture representative, the State Emergency Services Director and any other appropriate officials.
6. SEB and CEB shall maintain liaison with appropriate county, state or federal representatives.
7. CEB Chairman will submit Natural Disaster 24-hour Reports and Natural Disaster Damage Assessment Reports in a declared disaster to the SEB Chairman for consultation and editing.

D. REFERENCES

1. PL 93-288, as amended, Section 302, "Federal Assistance"
2. USDA Emergency Operations Handbook, 1-15-75 and revisions
3. FEMA Handbook, Disaster Assistance: A Guide to Recovery Programs, June 1989

E. ABBREVIATIONS

AMS	Agricultural Marketing Service
APHIS	Animal and Plant Health Inspection Service
CCC	Community Credit Corporation
CEB	County Emergency Board – Comprised of representatives from the following USDA agencies: Agricultural Stabilization and Conservation Service, Cooperative Extension Service; Farmers Home Administration, Animal and Plant Health Inspection Service and Forest Service may also designate

representatives to provide adequate county-level coverage of their program activities.

CES	Cooperative Extension Service
DAFP	Deputy Administrator of Farm Programs, USDA-FSA
FS	Forest Service
FSA	Farm Service Agency
NRCS	Natural Resources Conservation Service
RDS	Rural Development Service
SEB	State Emergency Board – Comprised of representatives from Farm Service Agencies, Animal and Plant Health Inspection Service, Cooperative Extension Service, Forest Service, Natural Resources Conservation Service, Statistical Reporting Service, NRLS
SRS	Statistical Reporting Service
USDA	United States Department of Agriculture

West Virginia

Emergency Operation Plan

6. Recovery -Annex CCC

Small Business Administration Disaster Loan Programs

ANNEX CCC

SMALL BUSINESS ADMINISTRATION DISASTER LOAN PROGRAMS

A. PURPOSE

1. This annex outlines the general circumstances under which the Small Business Administration makes low-interest, fixed-rate loans to repair or replace disaster damaged real estate and personal property. The U.S. Small Business Administration (SBA) can provide both direct and bank-participation disaster loans to qualified homeowners and businesses to repair or replace disaster damaged or destroyed private property when the Administrator declares a “disaster area” under SBA’s statutory authority. Economic injury loans can help small businesses suffering economic losses as a result of a disaster. Residents in affected areas must contact an SBA representative to discuss their specific situation.

2. The SBA offers three types of loans:

Home Disaster Loans are for homeowners and tenants to repair or replace disaster damages to real estate and/or personal property owned by the applicant. Tenants are eligible for personal property losses only.

Business Physical Disaster Loans are for businesses (including landlords and non-profit organizations) to repair or replace disaster damages to property owned by the business. These losses could be to real estate, machinery and equipment, leasehold improvements, inventory and supplies. Businesses of any size are eligible to apply.

Economic Injury Disaster Loans (EIDL) are working capital loans for small businesses and small agricultural cooperatives to assist them through the disaster recovery period. These loans are available to applicants with No Credit Available Elsewhere – if the business and its’ owners cannot provide for their recovery from non-government sources.

B. CONCEPT OF OPERATIONS

1. The Governor, based upon preliminary damage assessments of residential and business properties, includes the SBA Disaster Loan Program in his request for a Presidential disaster declaration for Individual Assistance.
2. If a natural or man-made disaster does not cause enough damage to merit a Presidential disaster declaration, the Governor may request an SBA disaster declaration. The request must be in writing through the SBA Disaster Area Office, within 60 days of the date of the disaster. The request must indicate the

specific county or counties or political subdivision in which the disaster occurred. SBA will not take action on the request while a Presidential declaration is pending.

3. The Governor may request an SBA Disaster Declaration when:
 - a. At least 25 homes, businesses or a combination of at least 25 homes, businesses, or other eligible institutions, in any county or smaller political subdivision, each sustain uninsured losses of 40 percent or more of the estimated fair replacement value or pre-disaster fair market value of the damaged property, whichever is lower; or
 - b. At least three businesses, in any county or smaller political subdivision, each sustain uninsured losses of 40 percent or more of the estimated fair replacement value or pre-disaster fair market value of the damaged property, whichever is lower, and, as a direct result of such physical damage, 25 percent or more of the workforce in the community would be unemployed for at least 90 days; or
 - c. The state certifies that at least five small business concerns in a disaster area have suffered substantial economic injury as a result of the disaster and are in need of financial assistance not otherwise available on reasonable terms. The SBA Disaster Area Office must receive the request within 120 days of the disaster occurrence.
4. For an SBA disaster declaration, we conduct a damage survey of the areas included in the Governor's declaration request. (See Annex DD, Request for a Presidential Declaration).
5. In Presidential disaster declarations, SBA sends representatives to Disaster Recovery Centers (DRC) to advise and assist victims with loan applications. In SBA declared disasters or when DRC's are not operating, SBA may establish Workshops in the disaster area. If no SBA Workshops are established, interested applicants can contact the SBA Disaster Area Office or the nearest bank that is cooperating with SBA.
6. In Presidential disaster declarations, the State Coordinating Officer may request the Federal Coordinating Officer to extend the deadline for SBA disaster loan applications, when necessary.

C. PROGRAM PROVISIONS

General Eligibility, Terms and Conditions

1. SBA makes disaster loans to any applicant regardless of age, sex, race, religion or origin who demonstrates a reasonable ability to repay a loan. An individual must have satisfactory credit and character.
2. The approved loan amount is based upon the actual cost of repairing and/or replacing disaster damaged real estate and/or personal property, less any insurance settlements, other reimbursements or grants that may duplicate any loan proceeds.
3. SBA will not lend funds for “upgrading” or non-disaster related repairs. SBA does not consider structural or other changes borrowers must make to comply with local building construction codes to constitute “upgrading.” Borrowers may include cost of code required upgrades in loan amounts.
4. Generally, SBA will not require that borrowers pledge collateral to secure a disaster home loan or a physical disaster business loan of \$10,000 or less, or an economic injury disaster loan of \$5,000 or less. For loans larger than these amounts, borrowers will be required to provide available collateral. SBA will not decline a loan request because of insufficient collateral. However, we can decline a request if a borrower refuses to pledge available collateral.
5. Interest rates are fixed for the entire term of the loan. However, based on formulas set by law, they can change over time for separate disaster declarations. The actual interest rates in effect for each declaration will be publicized locally.
6. There are two interest rates. By law, the interest rate for borrowers depends on whether they have “Credit Available Elsewhere”. SBA determines a borrower has “Credit Available Elsewhere” if they have sufficient funds or other resources, or the ability to borrow from non-government sources, to provide for their disaster recovery without hardship. Generally, SBA determines that over 90% of applicants do not have “Credit Available Elsewhere” and are eligible for the lowest interest rate.
7. The maximum loan term is 30 years. However for businesses with “Credit Available Elsewhere”, the law limits the loan term to a maximum of three years. SBA determines the loan maturity and repayment terms based on a borrower’s needs and ability to pay.
8. Borrowers normally repay loans in equal monthly installments of principal and interest. The first payment is usually due within five months from the date of the note. SBA can modify repayment terms under special circumstances. There is no prepayment penalty.
9. Borrowers repairing or replacing real estate or personal property located in a special flood hazard area must purchase and maintain flood insurance for the full insurable value of the property, for the term of the loan.

10. Applicants who have not complied with the terms and conditions of previous loan(s) are not eligible. This includes previous borrowers who failed to maintain required flood insurance.
11. Loans can be increased for mitigation. Mitigation means specific measures taken by a borrower to protect against recurring damage in similar future disasters. The increase a borrower can receive is limited to the lesser of the actual cost of the mitigation measure or 20% of the approved loan amount.
12. Use of SBA disaster funds for relocating is subject to limitations. Generally, borrowers may relocate where they need to do so for reasons beyond their control. If the borrower is forced by the state or local authorities to relocate, the amount of eligibility is the replacement cost of the property that must be abandoned. SBA considers the damaged property a total loss and the borrower may be eligible for refinancing.

Home Disaster Loans

1. Home Disaster Loans are limited to a maximum of \$200,000 to repair or replace a primary residence and \$40,000 to repair or replace contents (personal property). Generally, disaster loan funds do not cover rare or luxury items.
2. The amount for refinancing cannot exceed the lesser of \$200,000 or the physical damage to the primary residence after reductions for insurance or other recovery. Refinancing of an existing lien(s) on a primary residence may be eligible if the borrower does not have "Credit Available Elsewhere" and
 - a. The uncompensated disaster damage is 40% or more of the home's pre-disaster market value or replacement cost, whichever is less, including land value, or
 - b. The uncompensated disaster damage is 50% or more of the home's pre-disaster market value or replacement cost, whichever is less, excluding land value.

Business Physical Disaster Loans

1. Business physical disaster loans are limited to a maximum \$1,500,000 to repair and/or replace uncompensated damages to real estate and property. This maximum dollar amount includes refinancing, code compliance, relocation expenses and all other eligible loan purposes. The \$1,500,000 statutory limit applies to the combination of physical and economic injury disaster loans. It also applies to all loans to a business and its' affiliates.

2. SBA can waive the \$1,500,000 limit if the business is a major source of employment.
3. The amount of refinancing cannot exceed the physical damage to the real estate or machinery and equipment after reductions for insurance or other recovery. Refinancing of an existing lien(s) on real estate and machinery and equipment may be eligible if the borrower does not have "Credit Available Elsewhere" and
 - a. The uncompensated disaster damage is 40% or more of the aggregate pre-disaster market value or replacement cost (whichever is less) of the damaged real estate and machinery and equipment, including land value; or
 - b. The uncompensated disaster damage is 50% or more of the aggregate pre-disaster market value or replacement cost (whichever is less) of the damaged real estate and machinery and equipment, excluding land value.

Economic Injury Disaster Loans

1. If as a result of a declared disaster, a business has suffered substantial economic injury, with or without actual physical damage, it may be eligible to apply for an EIDL. The business must have a physical presence in a declared disaster area to be eligible.
2. A substantial economic injury is such that a business concern is unable to meet its obligations as they mature or pay its ordinary and necessary operating expenses. The loss of anticipated profits or a drop in sales is not considered substantial economic injury for this purpose.
3. SBA must review financial statements for each partner, officer, director and stockholder with 20 percent or more ownership or control. SBA may require such persons to personally guarantee repayment of the loan and, in some instances, secure the loan by pledging collateral.
4. No EIDL assistance will be made to a business that is determined by SAB to have "Credit Available Elsewhere."
5. Only for profit, operating, small business concerns as defined by the SBA using the Standard Industrial Classification Codes, are eligible.
6. An EIDL can be made for the verified amount of economic injury and operating needs. However, no loan (including any Business Physical Disaster Loan) may exceed \$1,500,000. In determining the eligibility, SBA will consider:
 - a. The obligations that come due during the period affected by the disaster.

- b. The operating expenses that could have been met and a reasonable working capital position that could have been maintained had the disaster not occurred.
7. The amount of economic injury or operating needs does not automatically represent the dollar amount of loan eligibility, but SBA will evaluate the information provided and determine the reasonableness of the loan request.

D. RESTRICTIONS

1. Borrowers must use SBA disaster loans to restore property as nearly as possible to their pre-disaster condition, and within certain limits, to protect damaged or destroyed real property from possible future similar disasters.
2. Borrowers must return to SBA any funds received but not used as authorized to restore property to pre-disaster condition. SBA will reduce the principal balance of the loan by the amount of returned funds.

E. PENALTIES

1. An applicant who falsifies the application or falsely certifies the use of loan funds may be subject to criminal penalties.
2. A borrower who wrongfully misapplies the proceeds of a loan will be liable to SBA for one and one-half times the loan proceeds disbursed to him/her as of the date SBA learns of the wrongful misapplication.

F. AUTHORITIES AND REFERENCES

1. Small Business Act, Section 7(b), as amended
2. Small Business Administration Rules and Regulations (13 CFR), Part 123
3. Small Business Administration Fact Sheet, "Physical Disaster Business Loans"
4. PL 91-606, Disaster Relief Act of 1970, Sections 231, 234, 235 and 237
5. Real Estate Settlement Procedures Act of 1974
6. Flood Disaster Protection Act of 1973
7. Small Business Administration Fact Sheet "Disaster Loans for Home and Personal Property"
8. Small Business Administration Fact Sheet, "Economic Injury Disaster Loans for Small Business"

West Virginia Emergency Operation Plan

6. Recovery -Annex DDD Forest Fire Suppression

ANNEX DDD

FOREST FIRE SUPPRESSION

A. PURPOSE

When State and local resources are incapable of extinguishing or confining grass or forest fires which are threatening destruction which would normally constitute a major disaster, the Governor can request the President to authorize Federal assistance under Section 420 of the Disaster Relief Act of 1974. If the request is approved by the Associate Director of FEMA, he/she may authorize assistance, including grants, equipment, supplies, and personnel to the State for the suppression of such fire or fires.

B. CONCEPT OF OPERATIONS

1. Federal assistance under Section 420 of the Act is provided in accordance with a continuing Federal-State Agreement for Fire Suppression (the Agreement) signed by the Governor and the Regional Director. The Agreement contains the necessary terms and conditions consistent with the provisions of applicable laws, Executive orders, and regulations, as the Associate Director may require and specifies the type and extent of Federal assistance. The Governor may designate authorized representatives to execute requests and certifications and otherwise act for the State during fire emergencies. Supplemental agreements shall be executed at least annually in advance of the fire season to update the continuing Agreement.
2. When the Governor determines that fire suppression assistance is warranted, his/her request for assistance shall specify in detail the facts supporting the request. In order that all actions in processing a State request are executed as rapidly as possible, the State may submit a request to the Regional Director by telephone, promptly followed by a confirming telegram or letter.
3. Following the Associate Director's decision on the State request, the Regional Director will notify the Governor and the Federal fire-fighting agency involved. The Regional director may request assistance from Federal agencies if requested by the State. For each fire or district fire situation, the State shall prepare a separate Fire Project Application and submit it to the Regional Director for approval.
4. Eligible State costs are reimbursed in accordance with the terms and provisions of the Agreement.
5. Eligible costs of the State consist of the following costs reasonably and directly related to fire suppression.
 - a. All compensation for employees directly engaged in authorized fire suppression activities.

- b. Travel and per diem costs for employees directly engaged in fire suppression activities.
 - c. Expenses to provide field camps and meals when made available to the eligible employees in lieu of per diem costs.
 - d. Cost for the use of publicly owned equipment used on eligible fire suppression work is based on the FEMA Schedule of Equipment Rates.
 - e. Cost for the use of privately-owned equipment is based on the rental rate; provided such costs are comparable to the going rate for the same or similar equipment in the locality, as determined by the Regional Director.
 - f. Cost to the State for the use of U.S. Government-owned equipment is based on reasonable costs as billed by the Federal agency and paid by the State.
 - g. Cost of fire fighting tools, materials, and supplies expended or lost, to the extent not covered by reasonable insurance.
 - h. Repair and reconditioning costs of tools and equipment used in eligible fire suppression activities (other than equipment covered by the FEMA Schedule of Equipment Rates).
 - i. Replacement values of equipment lost in fire suppression, to the extent not covered by reasonable insurance.
 - j. Personal comfort and safety items normally provided by the State under field conditions for fire fighting health and safety.
 - k. Mobilization and demobilization costs directly relating to the Federal fire suppression assistance approved by the Associate Director.
 - l. Eligible costs of local governmental fire fighting organizations reimbursed by the State, pursuant to an existing cooperative agreement, in suppressing an approved incident fire.
 - m. State costs for suppressing fires on Federal land in cases where the State has a responsibility under a cooperative agreement to perform such action on a non-reimbursable basis.
6. Costs that are ineligible for reimbursement are:
- a. Any clerical or overhead costs other than field administration and supervision.
 - b. Any costs for presuppression, salvaging timber, restoring facilities, seeding

and planting operations.

- c. Any costs not incurred during the incident period as determined by the Regional Director other than reasonable and directly related mobilization and demobilization cost.
 - d. State costs for suppressing a fire on Federal land where such costs are reimbursable to the State by another Federal agency under another statute.
7. Federal financial assistance is limited to eligible fire fighting and resource mobilization/demobilization costs incurred during the incident period as determined by the Regional Director.

C. TASK ASSIGNMENTS

- 1. After the incident period has terminated, the Principal Advisor, in conjunction with an inspector from the Division of Forestry, prepares a Damage Survey Report for each fire included in the incident period. The Principal Advisor submits completed Damage Survey Reports to the FEMA Regional Director for review and approval.
- 2. Base on FEMA-approved Damage Survey Reports, the Public Assistance Chief prepares a Project Application for Fire Suppression Assistance and secures the Governor's Authorized Representative's (GAR) approval.
- 3. After approving the Project Application, the GAR forwards it to the FEMA Regional Director.
- 4. The State, through the GAR, may request an advance of funds on FEMA-approved Project Applications. The applicant, Division of Forestry, is responsible for all aspects of project administration.
- 5. After all payments have been made and a State audit performed, the applicant requests final reimbursement from FEMA through the Public Assistance Chief.

D. AUTHORITIES AND REFERENCES

- 1. PL 93-288, Section 420, as amended, "Fire Suppression Grants"
- 2. Code of Federal Regulations, Title 44, Part 205 Subpart G
- 3. Handbook DAP-4, Disaster Assistance Programs, Fire

ANNEX DDD
APPENDIX 1
SAMPLE FORMAT FOR
FEDERAL-STATE AGREEMENT FOR FIRE SUPPRESSION ASSISTANCE

Honorable _____
Governor of _____

Dear Governor _____

1. This letter is the basic continuing Federal-State Agreement for Fire Suppression (hereinafter referred to as the Agreement) under Section 720, the Disaster Relief Act of 1974, Public Law 93-288, as amended, (hereinafter referred to as the Act), 42 USC 5121 et seq.; in accordance with 44 CFR 206.390 -395. Please note that these Disaster Assistance Regulations were previously designated as 24 CFR 2205.
2. The (either Forest Service, U.S. Department of Agriculture or Bureau of Land Management, Department of Interior) is designated as the principal advisor to the Regional Director, Federal Emergency Management Agency (FEMA) to assist in the administration of the terms of this agreement within your State.
3. The State officers authorized to execute certification and to otherwise act on behalf of the State, and individuals responsible for audit are listed in Exhibit A which is attached hereto and made a part hereof.
4. Federal assistance will be made available in accordance with Section 420 of the Act, Executive order 12148, Regulations attached hereto, applicable handbooks and the following:
 - a. At the beginning of each calendar year, the FEMA Regional Director, together with the Principal Advisor and the State Office referred to in paragraphs 2 and 3 above, will determine the State's average fiscal year fire cost and floor cost. This is done by:
 - (1) Listing the State fire related expenditures, detailed in the report required under the Clarke-McNary Act, for each of the previous seven fiscal years, for fire related costs dated prior to the immediately preceding fiscal year. Section 420 Federal grants for fire suppression during each of these fiscal years shall also be included in these respective annual reports.
 - (2) Delete the highest and lowest figures (two fiscal years' expenditures).
 - (3) Total the costs for the remaining five fiscal years and divide by 5 to get the average fiscal year fire cost.

- (4) Multiply the average annual fire cost by .05 to determine the State's floor cost.

Both the average fiscal year fire cost and the floor cost determined for each calendar year will be considered part of this Agreement for all incident fires, determined eligible for Federal assistance by the Associate Director, Disaster Response and Recovery, FEMA (hereinafter referred to as the Associate Director).

- b. For each fire or incident determined to be eligible for Federal assistance, FEMA will reimburse the State for eligible costs (State and Federal) of such fire(s) under conditions and at as follows:

- (1) The first time the State's fire suppression costs for a fire determined eligible for Federal assistance exceed the floor cost, at 70 percent of those costs in excess of the floor costs, except, that:
 - (a) If the State's cumulative fire-related costs for the calendar year have exceeded the average fiscal year fire cost prior to the determination by the Associate Director to authorize Federal assistance under Section 420 of the Act, the requirement for deduction of the floor cost shall be waived.
 - (b) If the State's cumulative fire-related costs for the calendar year reach and exceed the average fiscal year cost during the incident period for a fire approved for assistance under Section 420 of the Act, but before expenditure of the floor cost have been reached the requirement for deduction of the remaining portion of the floor cost shall be waived.
- (2) At 70 percent for each subsequent fire incident determined eligible for Federal assistance during the calendar year, except
- (3) At 100 percent for each incident determined eligible for Federal assistance after the State's cumulative fire related costs for the calendar year amount to twice the average fiscal year fire cost.
 - (a) If the State's cumulative fire-related costs for the calendar year have exceeded twice the average fiscal year fire cost prior to the initial determination by the Associate Director to authorize Federal assistance under Section 420 of the Act, the State would be entitled to 100 percent reimbursement from FEMA for all eligible costs of the first incident fire, and of any subsequent fires for which the Associate Director determined to authorize assistance under the Act during the current year.
 - (b) If the State's cumulative fire-related costs for the calendar year reach and exceed twice the average fiscal year fire cost during the approved

incident period for a fire approved for assistance under Section 420, of the Act, the State would be entitled to 100 percent reimbursement from FEMA for all eligible costs incurred during the remaining portion of the incident period.

- (4) If the incident period for a fire determined eligible for Federal assistance extends from one calendar year into the next, the original reimbursement level to a State for suppression costs shall remain in effect for that particular fire.
5. The Associate Director will allocate such amounts as he finds necessary for Federal assistance for use on forest or grassland fire threats within the limits of funds available for congressional appropriations for such purposes as authorized by the President.
6. Reimbursement will be made by FEMA directly to a State for Eligible State fire suppression costs. Federal agency billings to the state may be reimbursed directly to the Federal agency by FEMA if the State and Federal agency mutually agree to this. Reimbursement to a State will be based on the submission of project applications and vouchers, supported by a detailed breakdown of eligible costs.
7. In those instances in which assistance under Section 420, of the Act is provided pursuant to existing interstate Forest fire Protection compacts, third party eligible costs will be reimbursed in accordance with paragraph 6, above after a State or Federal audit and a review by the Regional Director to preclude duplication of benefits.
8. The State will establish and maintain an active program under this Agreement of non-discrimination in disaster assistance, as outlined in 44 CFR 205.16 and any other additional regulation that FEMA may publish. This program will encompass all State and local actions pursuant to this Agreement.
9. The State will establish and maintain a program under this Agreement to assure recipients of FEMA disaster assistance comply with the HUD or FEMA Debarment List. This program will encompass all State and local contracts pursuant to this Agreement.
10. A new continuing agreement will be executed if there is a change in Governors or FEMA Regional Directors. Supplemental agreements shall be executed in accordance with 44 CFR 206.391.

Sincerely,

Regional Director

Region

Agreed _____ Date: _____

ANNEX DDD
APPENDIX 2
EXHIBIT A
TO FEMA-STATE AGREEMENT

The Governor hereby certifies that _____ State Forester, or in his absence,
_____ Assistant State Forester, is the authorized
representative to request assistance and to execute on behalf of the State all necessary documents and
certifications, including supplements to this agreement. Specimen signatures follow:

Site audits and certifications shall be the responsibility of _____ who is the officer
of the State with the field audit staff capability to perform such audits and who shall execute all such
certifications on behalf of the State. Specimen signatures follows:

ANNEX DDD
APPENDIX 3
STATE REQUEST FOR FEDERAL AID
SUPPRESSION OF FOREST AND GRASSLAND FIRES
Section 420, PL 93-288

Date and Time of Request _____

A. State _____

B. Name of Governor or Authorized Representative making request

C. Location and telephone number _____

D. Basis for making request

1. Existence of high fire danger conditions

- a. Temperature _____
- b. Relative humidity _____
- c. Direction and velocity of winds _____
- d. Prevailing weather conditions and prediction for next 24 hours _____

2. Existing Fires Controlled _____ Uncontrolled _____

3. Situation Report (Provide separate situation report for each uncontrolled fire or series of fires in a localized geographical area for which Federal assistance is requested included under D., above).

- a. Time of Report _____
- b. Location of Uncontrolled Fire _____
- c. Description _____
- d. Estimated Cost to Suppress _____
- e. Acres Burning: Forest _____ Grassland _____
- f. Casualties to Date: Killed _____ Injured _____

g. Estimated Value of Property Destroyed to Date:

Forest \$ _____ Structures \$ _____
Grassland \$ _____ Other \$ _____

h. Manpower and Equipment Committed:

(1) State: _____

(2) Local: _____

i. Existence of other fires nearby which may result in a conflagration _____

j. Existence of other fires which limits the commitment of State fire fighting resources _____

k. Threat to Life

(1) Number of persons endangered _____

(2) Were preparations made for evacuation? Yes or No

(3) Number of persons evacuated _____

l. Threat to Private Property

(1) Dwellings: Number _____

(2) Farms and Ranches:

(a) Number of outbuildings _____

(b) Number of animals _____

(c) Number of farm equipment units and vehicles _____

(d) Acres of crop and grazing land _____

(3) Business and Industry:

(a) Number of business concerns

(b) Number of private utilities_____

m. Threat to Public Facilities (local, State, Federal)

(1) Buildings (number and value)_____

(2) Other (specify type and number) _____

n. Threat to Natural Resources

(1) Timber (Acres, volume)_____

(2) Watershed (amount) :

(a) Potable water supply_____

(b) Fishing streams and spawning sites_____

(c) Irrigation_____

(d) Flood control_____

(3) Wildlife (types threatened: birds, fur-bearing animals, big game, etc.)

E. State Forester's Assessment of Situation_____

F. Type and amount of Federal or other assistance needed (man- power, equipment, funds)_____

G. Federal agency, if any, contacted (Forest Service or Bureau of Land Management)_____

H. Governor's Authorized Representative:

Name_____

Location_____

Phone No.: Day_____ Night_____

I. In making this request, the governor agrees to abide by provisions contained in Federal-State Agreement between FEMA and the State for fire suppression under Section 471, PL 93-288.

Signature* _____ Date _____

Title _____

For FEMA use

Initial request received by _____

Date and time _____

*Must be signed by the Governor personally or by his authorized representative, whom he has previously authorized to sign this request in the FEMA-State Agreement.

West Virginia

Emergency Operation Plan

6. Recovery -Annex EEE

Long Range Recovery Permanent Housing

ANNEX EEE

LONG RANGE RECOVERY PERMANENT HOUSING

A. PURPOSE

This annex describes programs that provide assistance in repairing or reconstructing permanent housing, without a Presidential declaration. Also included are programs that aid families or individuals in securing permanent rental accommodations. Section B describes those programs that are strictly for families or individuals. Section C outlines programs to which builders, developers, lenders or other private and public groups may apply. In all buildings except one and two family dwellings, the State Fire Marshal enforces the State Fire Code.

B. ASSISTANCE TO FAMILIES AND INDIVIDUALS

The U.S. Department of Housing and Urban Development (HUD) and the U.S. Department of Agriculture—Rural Development, Rural Housing Service (USDA-RHS) have programs which insure a major portion of mortgage loans to encourage approved lenders to make loans for lower income households.

Individuals or families apply to an approved lender who, in turn, submits the application to the Department of U.S. Housing and Urban Development.

1. Multifamily Home Mortgage Insurance:

a. Authority:

National Housing Act of 1934, Section 203 (b) and (i), (PL 73-479) (HUD)

b. Type of Assistance:

Guaranteed/insured loans to finance the acquisition of proposed, under construction or existing single-family units. Homebuyers are permitted to make a low down payment. NOTE: No funds available, only insures loans made by others.

c. Eligible Applicants:

Any person able to meet the cash investment, the mortgage payments, and credit requirements.

2. Special Mortgage Insurance For Low And Moderate Income Families:

a. Authority:

National Housing Act of 1934 (PL 73-479), as amended by Section 123 and Section 221 (d) (2) of the Housing Act of 1954 (PL 83-560). (HUD)

b. Type of Assistance:

Mortgage insurance for low and moderate-income families. The program can be used to finance rehabilitation of sub-standard properties. NOTE: No funds available, only insures loans made by others.

c. Eligible Applicants:

Anyone may apply; displaced households qualify for special terms.

3. Co-insurance:

a. Authority:

National Housing Act of 1934, Section 244, as added by the Housing and Community Development Act of 1974, Section 307. (HUD)

b. Type of Assistance:

Joint mortgage insurance by the Federal Government and private lenders to facilitate homeownership financing. NOTE: No funds available, only insures loans made by others.

c. Eligible Applicants:

Everyone eligible for mortgage insurance under the full insurance programs may apply for co-insured loans to lenders approved by HUD as co-insurers. The co-insuring lender, (any mortgagee approved by FSA), based upon the characteristics of the property and the credit qualifications of the borrower, determines whether to make the loan.

d. Requirement:

HUD offers an additional and optional method of insuring lenders against losses that they make to finance the purchase of one-to-four-family homes. In return for the right to expedite preliminary processing procedures by performing them himself, the lender assumes responsibility for a portion of the risk and may retain a portion of the insurance premium. Thus, co-

insurance is expected to result in faster service to the buyer and to improve quality of loan origination and servicing.

4. Manufactured Home (Mobile) Loan Insurance to Finance Purchases of Mobile Home:

a. Authority:

National Housing Act, Title 1, Section 2. (HUD)

b. Type of Assistance:

To make possible reasonable financing of mobile home purchases. Provided private lending institutions with federal insurance when they make loans for the purchase of mobile homes to be used as primary residences. NOTE: No funds available, only insures loans made by others.

c. Eligible Applicants:

All families are eligible to apply.

d. Requirements:

The mobile home must be at least 10 feet wide and 40 feet long. Assurance must be given that the unit will be placed on a site which complies with FSA standards and with local zoning requirements.

5. Major Home Improvements Loan Insurance:

a. Authority:

National Housing Act of 1934, Section 203 (K) (PL 73-479) (HUD)

b. Type of Assistance:

Federal insurance of loans to help families repair or improve existing residential structures outside urban renewal areas. The program provides for long-term insured mortgage financing of major improvements or alterations to structures containing up to four family units. NOTE: No funds available, only insures loans made by others.

c. Eligible Applicants:

Any owner of the property to be improved or the lessee under a 99-year renewable lease or a lease having expiration date at least ten years beyond the maturity date of the mortgage.

d. Requirements:

The maximum loan amount is \$12,000 per family unit, with an additional allowance for high cost areas. To qualify for loan insurance, the property must be at least ten years old unless the mortgage proceeds are to be used for major structural improvements, correcting recent faults or repairing casualty damage.

The interest rate is updated periodically. Mortgage term is 20 years or 3/4 of the remaining economic life of the property, whichever is less.

6. Home Improvement Loan Insurance:

a. Authority:

National Housing Act of 1934; Title 1, Section 2 (PL 73-479), as amended by Housing Act of 1956 (PL 84-1020). (HUD)

b. Type of Assistance:

Federal insurance for major and minor home improvements. NOTE: No funds available, only insures loans made by others.

c. Eligible Applicants:

Property owners or tenants whose leases are at least 6 months longer than the loan term.

7. USDA Rural Development – Rural Housing Service (RHS) Home Ownership Loans:

a. Authority.

Housing Act of 1949, Section 502, as amended

b. Type of Assistance:

Loans for the purchase, construction, rehabilitation, or relocation of a dwelling and related facilities for low or moderate income persons in rural areas. RHS can help subsidize monthly mortgage payments, limiting these costs to no more than 30 percent of the adjusted monthly income of the applicant. For persons with somewhat more income, guaranteed rural housing loans may be available.

c. Eligible Applicants:

Persons must have dependable income and repayment ability and must have a credit history that indicates a reasonable willingness to meet obligations as they become due. Applicants must also be citizens of the U.S. or reside in the U.S. after having been legally admitted for permanent residence.

8. USDA Rural Development – Rural Housing Service (RHS) Very Low Income Housing Repair Loans and Grants:

a. Authority:

Housing Act of 1949, Section 504, as amended; (PL 89-117; PL 89-754; PL 92-310).

b. Type of Assistance:

Home improvement and repair loans and grants enable very-low and low-income rural homeowners to remove health and safety hazards from their homes and to make homes accessible for people with disabilities. Grants are available for people 62 years old and older who cannot afford to repay the part of the assistance received as a loan.

c. Eligible Applicants:

An applicant must own and occupy a home in a rural area, be without sufficient income to qualify for a Section 502 loan, have sufficient income to repay the loan, and be a citizen of the U.S. or reside in the U.S. after having been legally admitted for permanent residence.

Grant recipients must be 62 years of age or older and be unable to repay the part of the assistance received as a loan.

C. ASSISTANCE TO PUBLIC AND PRIVATE AGENCIES OR ORGANIZATIONS

Many of the following programs are designed to assist individuals, but must be administered by a local public or quasi-public body.

The U.S. Department of Housing and Urban Development and the Farm Service Agency (FSA) offer a variety of assistance that is described under each program.

1. Basic Multifamily Rental Housing Insurance:

a. Authority:

National Housing Act of 1934, Section 207 (PL 73-479), as amended.
(HUD)

b. Type of Assistance:

FSA insured mortgages by private lending institutions to finance the construction or rehabilitation of multifamily rental housing by private or public developers. NOTE: No funds available, only insures loans made by others.

c. Eligible Applicants:

Investors, builders, developers and individuals who meet FSA requirements may apply for funds to an FSA approved lending institution. No income requirements for tenant occupants.

Beneficiary: All families meeting FSA requirements are eligible.

2. Mortgage Insurance of Moderate Income Housing Projects:

a. Authority:

National Housing Act, Section 221, as amended by the Housing Act of 1959 (PL 86-372). (HUD)

b. Type of Assistance:

Guaranteed/insured loans to assist in the financing of multi-family projects designed to provide rental housing for moderate-income families. NOTE: No funds available, only insures loans made by others.

c. Eligible Applicants:

Any profit motivated sponsor.

Beneficiary: All families are eligible. Occupancy is not restricted by income limits, except in the case of tenants receiving subsidy.

d. Requirements:

The principal differences between Section 221 (d) (3) and Section 221 (d) (4) are: HUD will insure 100 percent of project value under Section 221 (d) (3) but 90 percent under 221 (d) (4); and nonprofit (or limited-dividend or cooperative) organizations may qualify for 221 (d) (3) mortgages, while 221 (d) (4) mortgages are reserved for profit-motivated. sponsors.

3. Low Income Housing Assistance Program:

- a. Authority:

Housing Act of 1937, as amended. (HUD)
 - b. Type of Assistance:

Direct loans and project grants to provide housing and related facilities for low-income families through authorized public housing agency ownership.
 - c. Eligible Applicants:

Public housing agencies established by a local government in accordance with State law or authorized public agencies.

Beneficiary: Low-income families. Elderly, disabled, handicapped or displaced individuals are also eligible.
 - d. Application Procedure:

Execution of Cooperative Agreement between local government and local public agency. HUD Regional and Area Offices transmit a copy of the initial application to the appropriate State clearinghouses and metropolitan or regional clearinghouses.
4. Housing for the Elderly and Handicapped:
- a. Authority:

National Housing Act, Section 231, as amended in 1959 by PL 86-372. (HUD)
 - b. Type of Assistance:

Insured mortgages to build or rehabilitate multifamily projects of eight or more units to provide rental housing suited to the needs of the elderly or handicapped. NOTE: No funds available, only insures loans made by others.
 - c. Eligible Applicants:

Eligible mortgagors are individuals, partnerships, corporations, including nonprofit and public mortgagors.
5. Community Development Block Grants:

a. Authority:

Housing and Community Development Act of 1974, Title I (PL 93-383), as amended by Title I of Housing and Community Development Act of 1977 (PL 95-128). (HUD)

b. Type of Assistance:

"Block " grants to local governments to fund a wide variety of community development activities, many of which are housing-related.

c. Eligible Applicants:

Metropolitan cities and qualified urban counties are guaranteed an amount called an "entitlement". It is based on need, objectively calculated by a formula that takes into account population, poverty, overcrowded housing, age of housing growth lag. Smaller communities compete for the remaining ("discretionary") funds. However, local governments that participated in certain categorical grant programs, but do not qualify for an equivalent block grant, are "held harmless" for three years, i.e., they are funded at the same average level in order to complete projects already under way. After the three years, hold-harmless recipients are funded at two-thirds of the excess of hold-harmless over formula amount for one year and then one-third of the excess for the next year.

d. Requirements:

Spending priorities are determined at the local level, but the law enumerates general objectives which the block grants are designed to fulfill, including adequate housing, a suitable living environment and expanded economic opportunities for lower-income housing needs and address them in the overall community development plan they submit to receive their grant.

6. Urban Development Action Grants:

a. Authority:

Housing and Community Development Act of 1977, Section 119 (PL 95-128). (HUD)

b. Type of Assistance:

Grants assist distressed cities and urban counties to strengthen their economic, employment and tax bases through a combination of public and private investments in economic development projects.

c. Eligible Applicants:

Cities--including those participating in the Community Development Block Grant Program in cooperation with urban counties, provided that they (1) have demonstrated ongoing results in providing housing for low and moderate income persons and members of minority groups, and (2) have met minimum criteria that indicate physical and economic distress. These criteria include the age of the housing stock, per capita income, population outmigration, unemployment, poverty, and job lag in retailing and manufacturing.

7. USDA Rural Development (RHS) Rural Housing Site Loans:

a. Authority:

Housing Act of 1949, as amended, Section 523 and Section 524 (PL 89-117 and PL 89-745). (USDA-RHS)

b. Type of Assistance:

Direct and insured loans to assist public bodies and private-non-profit organizations in purchasing and developing building sites, including the construction of essential access roads, streets and utilities.

c. Eligible Applicants:

A private or public-nonprofit organization that will provide the developed sites to qualified borrowers on a nonprofit basis in towns of 10,000 population under certain circumstances.

Beneficiary: Families with low and moderate incomes who qualify for USDA Rural Development-RHS loan.

d. Requirements:

The sites must be sold to low and moderate income families who qualify for RHS loan to non-profit organizations eligible for a rural rental loan. The interest rate is the same as RHS housing loans.

8. Rural Rental Program:

a. Authority:

Housing Act of 1949, Sections 515 and 521, as amended (PL 89-117).

b. Type of Assistance:

Insured direct loans to provide rental housing in rural areas.

c. Eligible Applicants:

Profit and nonprofit sponsors - individuals, corporations and public bodies.

West Virginia Emergency Operation Plan

6. Recovery -Annex FFF Long Range Recovery Community Facilities

ANNEX FFF

LONG RANGE RECOVERY COMMUNITY FACILITIES

A. PURPOSE

1. Disaster recovery may be a long-term process, depending on the affected area's objectives. Rather than merely rebuilding its damaged or destroyed structures, a community may attempt to improve or expand its facilities, services and business opportunities. It may also institute measures to prevent future disaster occurrences or lessen their impact.
2. Recovery has a greater chance of succeeding when integrated into comprehensive community planning and development. The purpose of this annex is to outline major Federal and State community development programs applicable to disaster recovery situations. For the most current information on a particular program, contact the administering agency.

B. PROGRAMS RESTRICTED TO PARTICULAR COMMUNITY FACILITIES

1. Appalachian Local Access Roads: Appalachian Regional Commission
 - a. Authority:

Appalachian Regional Development Act of 1965, Section 201 (PL 89-4), as amended by PL 90-103, Section 106; PL 91-123, Section 103; PL 92-65, Section 94-188, Section 110.
 - b. Type of Assistance:

Grants for providing access to industrial, commercial, educational, recreational or residential sites which the State determines to have significant growth or development potential. Funds may be used for engineering, right-of-ways, relocation and construction.
 - c. Eligible Applicants:

The State, and through the State, political subdivisions and private organizations in Appalachia.
2. Construction Grants Program: U.S. Environmental Protection Agency
 - a. Authority:

Federal Water Pollution Control Act Amendments of 1972, Sections 201-212 (PL 92-500).

b. Type of Assistance:

Grants to construct sewage treatment plants, interceptor and outfall sewers, collection sewers, and overflow control facilities for combined sewer systems to treat domestic wastes from an entire community or region. Priority is given to construction of treatment facilities and interceptor sewers.

Grants may cover up to 55 percent of total project costs.

Projects are funded in three steps:

- Step 1 - Feasibility study (Planning and preliminary design);
- Step 2 - Facility design (plans, specifications and estimates);
- Step 3 - Construction.

c. Eligible Applicants:

Local governments and other public bodies having jurisdiction over the disposal of sewage, industrial wastes or other liquid wastes; or a designated and approved management agency under Section 208, PL 92-500.

C. PROGRAMS FOR COMMUNITY DEVELOPMENT AND PUBLIC FACILITIES

1. Community Facilities Program: USDA Rural Development, Rural Housing Service

a. Authority:

Consolidated Farm and Rural Development Act, Section 306 (PL 92-419).

b. Type of Assistance:

Loans and grants to construct, enlarge, or improve community facilities for health care, public safety, and public services in rural areas and towns of up to 50,000 inhabitants. Areas under 5,500 population are given priority.

Low-interest loans are available to qualified applicants. Limited grant funding is available and may cover up to 75 percent of the total project costs.

c. Eligible Applicants:

Local governments, other public entities, and non-profit corporations serving eligible areas.

NOTE: All USDA Rural Development programs are available to eligible applicants with or without a Presidential Declaration. A Declaration makes additional funding available to designated disaster areas through existing Rural Housing Service (RHS), Rural Utilities Service (RUS), and Rural Business Service (RBS).

2. Community Development Block Grants, U.S. Department of Housing and Urban Development

a. Authority:

Housing and Community Development Act of 1974, Title I (PL 93-383), as amended by Title I of Housing and Community Development Act of 1977 (PL 95-138).

b. Type of Assistance:

Block grants to promote community development and expand economic opportunities. For example, projects may encompass one or more of the following objectives: urban renewal; neighborhood revitalization; construction of water systems, sewer transmission facilities, community centers and other public facilities; urban beautification, historic preservation and conservation of open space.

c. Eligible Applicants:

Entitlement Grant Program: Local governments in metropolitan areas (population 50,000 or more) and urban counties (minimum population 200,000) are guaranteed entitlement grants based on need. The amount is calculated by a formula that takes into account population, poverty and overcrowded housing. Neighborhood based non-profit organizations, local development corporations, or small business investment companies carrying out community economic development projects are also eligible.

Small Cities Program: state, counties, and units of general local government (except metropolitan cities). In general, cities with less than 50,000 population are eligible. Under the Small Cities Program, applicants must compete for funds.

3. Public Works Program: Economic Development Administration

a. Authority:

Public Works and Economic Development Act of 1965, Title I, II and IV (PL 89-138, as amended).

- b. Type of Assistance:

Grants and loans to assist in the construction of public facilities which will stimulate or encourage economic growth and development.
 - c. Eligible Applicants:

States, political subdivisions and non-profit organizations representing and EDA designated redevelopment area or economic development district.
4. Section 304 Grants: Economic Development Administration
- a. Authority:

Public Works and Economic Development Act of 1965, Section 304 (PL 89-136), as amended).
 - b. Type of Assistance:

Block grants through which the state can supplement EDA grants/loans or provide private basic grant/loans to implement development projects for which no funding is available.
 - c. Eligible Applicants:

State, political subdivisions and non-profit organizations representing a redevelopment area or economic development district.
5. Public Works Impact Program: Economic Development Administration
- a. Authority:

Public Works and Economic Development Act of 1965, (PL 89-136), as amended).
 - b. Type of Assistance:

Grants to provide immediate employment opportunities in construction and public service jobs. Projects are not required to relate to an Overall Economic Development Program.
 - c. Eligible Applicants:

State, political subdivisions and non-profit organizations representing a redevelopment area or economic development district.

6. Community Economic Development, Special Impact: Office of Community Services
 - a. Authority:

Economic Opportunity Act of 1964, as amended by the Community Services Act of 1974, Title VII, Section 701.
 - b. Type of Assistance:

Grants to fund water and sewer systems, sewage treatment plants, recreation centers, industrial sites and other community development facilities that will encourage business investment in local communities.
 - c. Eligible Applicants:

The State; political subdivisions and private, non-profit organizations.
7. ARC Section 214 Supplemental and Basic Grants: Appalachian Regional Commission
 - a. Authority:

Appalachian Regional Development Act of 1965, Section 214 (PL 89-4), as amended by PL 90-103, Section 116; PL 91-123, Section 107; PL 92-65, Section 210; PL 94-188, Section 115.
 - b. Type of Assistance:

Grants to increase the Federal share of community development projects, such as water and sewer systems, sewage treatment facilities, recreation centers and industrial sites. Basic grants be approved for community development projects when other Federal programs lack sufficient funds.
 - c. Eligible Applicants:

The State; and, through the State, political subdivisions and private, non-profit organizations.
8. Community Partnership Grants Program: West Virginia Development Office
 - a. Authority:

By appropriation, West Virginia Legislature.
 - b. Type of Assistance:

Grants to provide matching funds for economic and community development projects which have received primary funds from other sources. Eligible projects include industrial site acquisition and/or development, water, sewer, access roads and other public facilities that will improve and encourage the area and the investment of private capital.

c. Eligible Applicants:

Political subdivisions within the State.

D. PROGRAMS FOR ECONOMIC DEVELOPMENT

1. Technical Assistance: Economic Development Administration

a. Authority:

Public Works and Economic Development Act of 1965 (PL 89-136 as amended).

b. Type of Assistance:

Grants or outside services to assist in finding solutions to economic problems. For example, assistance may be requested to conduct feasibility studies, expand management or operational capabilities or implement economic development demonstration projects.

c. Eligible Applicants:

The State, political subdivisions, non-profit organizations and profit-making entities. NOTE: Profit-making entities must repay the costs of technical assistance projects.

2. Business Development Assistance: Economic Development Administration

a. Authority:

Public works and Economic Development Act of 1965 (PL 89-136, as amended).

b. Type of Assistance:

Financial assistance to preserve, expand or locate new industry or commercial enterprises in EDA-designated areas.

Assistance may be in the following forms:

- (1) Direct fixed asset loans;
- (2) Direct working capital loans;
- (3) Fixed asset loan guarantees (up to 90 percent of outstanding balance);
- (4) Working capital loan guarantees (up to 90 percent of outstanding balance);
- (5) Lease guarantees (up to 90 percent of the remaining rental payments).

3. EDA Title IX Program: Economic Development Administration

a. Authority:

Public works and Economic Development Act of 1965 (PL 89-136, as amended).

b. Type of Assistance:

Grants to assist areas experiencing or threatened with economic adjustment programs which can result in permanent job losses or can precipitate a sudden major change in economy.

Assistance may include:

- (1) Development Grants to prepare an economic adjustment strategy, and/or
- (2) Implementation Grants to carry out an established strategy.

Eligible strategy components include public facilities, public services, business development, rent supplements, mortgage payment assistance, relocation, planning and training.

Implementation grants can fund a number of related projects with a single program grant.

c. Eligible Applicants:

Designated redevelopment areas or economic development districts; political subdivisions or a consortium of local governments; and, the State under certain conditions.

4. Business and Industrial Loans: Farm Services Agency

a. Authority:

Consolidated Farm and Rural Development Act Section 3108 (PL 92-419).

b. Type of Assistance:

Guaranteed and direct loans to improve the economic climate or environment in rural communities and small towns having a population of not more than 50,000.

USDA Rural Development guarantees up to 80 percent of the principal and interest on loans made by approved lenders. When an approved lender is not available, USDA Rural Development can make and service a direct loan.

c. Eligible Applicants: Include any legally organized entity, including cooperatives, corporations, partnerships, trusts or other profit or nonprofit entities, Indian tribes or Federally recognized tribal groups, municipalities, counties, and other political subdivision of a State, or individuals.

5. Economic Development Loans West Virginia, Development Office

a. Authority:

West Virginia Economic Development Authority (West Virginia Code, Chapter 31, Article 15).

b. Type of Assistance:

Low-interest loans to cover up to 50 percent of industrial project costs for land or buildings. Funds may be used for new fixed asset investments.

c. Eligible Applicants:

Reputable industrial companies.

d. Requirements:

A non-profit community development corporation must administer the loan.